

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

AMBER BIZIKO,

Plaintiff,

V.

STEVEN VAN HORNE, *et al.*,

Defendants.

Civil Action No. 1:16-CV-111-C

ORDER

On this day, the Court considered Plaintiff's Motion for Attorneys' Fees, filed December 12, 2019, as well as Defendants' Response and Objection thereto, filed December 15, 2019. Having considered the factors as annunciated in *Johnson*,¹ the Court finds that Plaintiffs' Motion for Attorneys' Fees should be **GRANTED IN PART**.²

Accordingly, the Court hereby **ORDERS** that Plaintiff be **AWARDED** an amount of \$26,070.50 for all reasonable and necessary legal fees incurred in this civil action.³ Plaintiff is

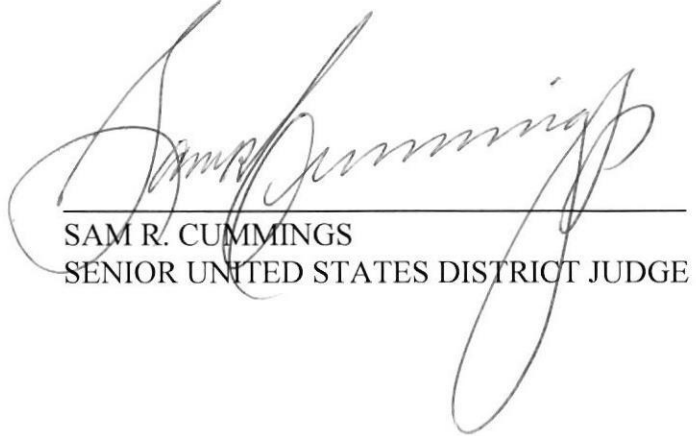
¹ In determining the lodestar, this Court is guided by *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir. 1974). The *Johnson* factors are as follows: (1) the time and labor required; (2) the novelty and difficulty of the question; (3) the skill required to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.

² Having determined that this civil action does not present any novel or difficult issues and that counsel appear to be versed in the area of employment litigation, the Court finds that James M. Loren's hourly fee should be reduced to \$250 an hour. The Court further finds that Rachael Rustmann's hourly fee should, likewise, be reduced to \$200 an hour. The Court finds these hourly fees to be reasonable and similar to the fees charged by others in the Abilene Division.

³ Having reviewed the time sheets submitted, the Court finds several of the entries entered to be unreasonable and unnecessary, address issues that were later determined to be moot, and, at times, appear repetitive. Thus, the Court hereby elects to reduce the amount of total hours billed by James M. Loren to 28.2. The Court further elects to reduce the total hours billed by Rachael Rustmann to 92.2.

further **AWARDED** an amount of \$2,765.65 for all necessary costs incurred.⁴ The Court finds these awards justified considering the amount in controversy and the Jury's ultimate finding as to the damages sustained.⁵

SO ORDERED this 17th day of December, 2019.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

⁴ For the reasons stated in Defendants' Response, the Court declines to award travel expenses.

⁵ Although the record is not clear as to when counsel learned that \$838.00 was the total amount in controversy, the Court finds counsels' request for fees in the amount of \$93,890.50 to be unreasonable and unjustified.